

REMARKS

Applicant replies to the Office Action dated June 5, 2009, within two months of the shortened statutory three month time period. Claims 1-44 remain pending. Support for the previous amendments may be found in the originally-filed specification, claims, and figures. No new matter has been added to the application in the previous amendments to the claims. Reconsideration of this application is respectfully requested.

Supplemental Oath or Declaration

Applicant notes that the Examiner is requesting a supplemental oath or declaration prior to allowance of any claims stating “[e]very error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted by this application, arose without any deceptive intention on the part of the applicant.” 37 CFR 1.175(b)(1). As suggested in MPEP § 1444, Applicant respectfully requests that the submission of the supplemental oath or declaration be deferred until the application is in condition for allowance. Applicants believes the requested clarified amendment language should put this application in condition for allowance, so after receiving a Notice of Allowance, Applicant will submit the requested supplemental oath or declaration.

Amendments to the Claims

Applicant clarifies the previous amendments to the specification and claims in this Reply to comply with procedures set forth in 37 CFR 1.121 and 37 CFR 1.173. *See also*, MPEP § 1453. 37 CFR 1.121 provides that “any amendment to the . . . claims in reissue applications must be made in accordance with § 1.173.”

Pursuant to 37 CFR 1.173(d)(1), where an amendment is made in a reissue application by separate amendment paper to omit matter from a claim, “the matter to be omitted by reissue must be enclosed in brackets.” *Id.* Applicant shows in brackets the matter previously omitted by reissue in the above pending claims.

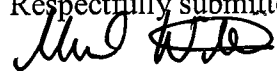
Pursuant to 37 CFR 1.173(d)(2), where an amendment is made in a reissue application by separate amendment paper to add matter to a claim, “the matter to be added by reissue must be underlined.” *Id.* The matter previously added by reissue in the above pending claims has been underlined.

Finally, 37 CFR 1.173(b)(2) provides that "for any claim changed by the amendment paper, a parenthetical expression 'amended,' 'twice amended,' etc., should follow the claim number. As such, where pending claims have been previously amended above during reissue, the appropriate parenthetical expression has been included after the claim number. *Id.*

Conclusion

Applicant submits that the formal matters related to this application are now in compliance with all statutory requirements. Should the Examiner wish to discuss any of the above in greater detail, then the Examiner is invited to telephone the undersigned at the Examiner's convenience. Applicant authorizes and respectfully requests that any fees due be charged to Deposit Account No. 19-2814.

Respectfully submitted,

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